

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VADIM BABYREV on behalf of WILBUR TYSON,

Petitioner,

-against-

Commissioner of the Office of Mental Health (OMH)
of the State of New York ANN MARIE T.
SULLIVAN; DR. BRIAN BELFI, the Executive
Director of the Kirby Forensic Psychiatric Center
(KFPC),

Respondents.

1:20-CV-3432 (CM)

ORDER DIRECTING PAYMENT OF
FEE OR IFP APPLICATION

COLLEEN McMAHON, Chief United States District Judge:

Petitioner, proceeding *pro se*, brings this petition for a writ of *habeas corpus*. To proceed with a petition for a writ of *habeas corpus* in this Court, a petitioner must either pay the \$5.00 filing fee or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepayment of fees, submit a signed IFP application. *See* 28 U.S.C. §§ 1914, 1915.

Petitioner submitted the petition without the filing fee or an IFP application. Within thirty days of the date of this order, Petitioner must either pay the \$5.00 filing fee or complete and submit the attached IFP application. If Petitioner submits the IFP application, it should be labeled with docket number 1:20-CV-3432 (CM). If the Court grants the IFP application, Petitioner will be permitted to proceed without prepayment of fees. *See* 28 U.S.C. § 1915(a)(1).

The Clerk of Court is directed to mail a copy of this order to (1) Vadim Babyrev at 234 West 114th Street, Apt. 516, New York, New York 10025, and (2) Wilbur Tyson at the Kirby Forensic Psychiatric Center at 600 East 125th Street, Wards Island, New York 10035, and note service on the docket. No answer shall be required at this time. If Petitioner complies with this

order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Petitioner fails to comply with this order within the time allowed, the petition will be denied.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue). A certificate of appealability will not issue. *See* 28 U.S.C. § 2253(c).

SO ORDERED.

Dated: May 4, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge